

RECEIPT NUMBER

507674

ORIGINAL
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

54 Pgs.
Attach A-L

DEBORAH MALEWSKI,

04-71828

Plaintiff,

Case No.
Hon. DENISE PAGE HOOD
MAGISTRATE JUDGE CAPEL,

v.

HANCOCK FABRICS, INC. and HANCOCK FABRICS OF MI, INC.;
DOLGENCORP, INC.; DOLLAR GENERAL STORE, LTD; and DOLLAR GENERAL
CORPORATION;
JO-ANN STORES, INC.;
TONY HUNG, C.Y. HUNG;
A.C. MOORE ARTS & CRAFTS, INC. and A.C. MOORE, INC.;
CHRISTMAS TREE SHOPS, LLC;
WALGREEN COMPANY;
ABC DISTRIBUTING, LLC and ABC DISTRIBUTING, INC;
ORIENTAL TRADING COMPANY d/b/a TERRY'S VILLAGE;
CVS CORPORATION.; and
I & J, INC. d/b/a DOLLAR OR LESS,

Defendants.

DOUGLAS P. LALONE (P45741)
WARN HOFFMANN, MILLER & LALONE, PC
Attorneys for Plaintiff
691 N. Squirrel Road, Suite 140
Auburn Hills, MI 48326
Ph: (248) 364-4300
Fax: (248) 364-4285

U.S. DIST. COURT CLERK
EAST DIST. MICH.
DETROIT-PSG

04 MAY 13 P5:00

FILED

COMPLAINT AND JURY DEMAND

Plaintiff, DEBORAH MALEWSKI, by and through her attorneys, WARN,
HOFFMANN, MILLER & LALONE, P.C., complains and alleges as follows:

PARTIES

1. Plaintiff, Deborah Malewski ("**Malewski**"), is an individual residing at 1308 Hall Street, Eaton Rapids, Michigan 48827.

2. Malewski is in the business of creating artistic works.

3. Upon information and belief, Defendants Hancock Fabrics, Inc. and Hancock Fabrics of MI, Inc. (collectively "**Hancock**") are Delaware corporations, both having a principal address located at 3406 West Main Street, Tupelo, Mississippi 38801. Defendants Hancock have 15 stores located in the State of Michigan.

4. Upon information and belief, Defendants Dollar General Store, Ltd, is a Kentucky partnership and Dollar General Corporation, is a Tennessee corporation, (collectively "**Dollar General**") both having a principal address located at 100 Mission Ridge, Goodlettsville, Tennessee 37072. Defendants Dollar General have 125 stores located in the State of Michigan.

5. Upon information and belief, Defendant Dolgencorp, Inc. ("**Dolgencorp**"), is a Kentucky corporation, having a principle place of business at 100 Mission Ridge, Goodlettsville, Tennessee 37072.

6. Upon information and belief, Defendant Jo-Ann Stores, Inc. ("**Jo-Ann Stores**"), is an Ohio corporation having a principle place of business at 5555 Darrow Road, Hudson, Ohio 44236. Defendant Jo-Ann Stores has 55 stores located in the Michigan.

7. Upon information and belief, Defendants Tony Hung/C.Y. Hung (collectively "**Hung**"), is a foreign entity with a principle place of business at 11th

Telford House, 16 Wang Hoi Road, Kowloon Bay, Hong Kong. Defendants Hung sells products within this judicial district to Defendant Jo-Ann Stores.

8. Upon information and belief, Defendants A.C. Moore Arts & Crafts, Inc. and A.C. Moore, Inc. (collectively "**A.C. Moore**") are Pennsylvania corporations having a principal address located at 500 University Court, Blackwood, New Jersey 08012. Defendants A.C. Moore sell products within this judicial district, and operates the interactive website www.acmoore.com where products are offered for sale.

9. Upon information and belief, Defendant Christmas Tree Shops, Inc., ("**Christmas Tree Shops**") is a Massachusetts corporation, with a principal address located at 261 White's Path, S. Yarmouth, Massachusetts 02664. Defendant Christmas Tree Shops sells products within this judicial district, and operates the interactive website www.christmastreeshops.com where products and gift certificates are offered for sale.

10. Upon information and belief, Defendant Walgreen Company ("**Walgreens**") is an Illinois corporation, with a principal address located at 200 Wilmot Road, Deerfield, Illinois 60015. Defendant Walgreens has 135 business locations in Michigan, including the metropolitan Detroit area.

11. Upon information and belief, Defendants ABC Distributing, L.L.C. and ABC Distributing, Inc. ("**ABC Distributing**") are Florida corporations, having a principal place of business located at 14445 NE 20 Lane, North Miami, Florida 33181. Defendants ABC Distributing have an interactive website at www.abcdistributing.com which allows for purchasing and shipping infringing products to this judicial district.

12. Upon information and belief, Defendant Oriental Trading Company, d/b/a Terry's Village ("**Oriental**"), is a Nebraska corporation with a principle address located at 4206 South 108th Street, Omaha, Nebraska. Defendant Oriental sells products within this judicial district on its interactive website and its catalogs.

13. Upon information and belief, Defendant CVS Corporation ("**CVS**"), is a Delaware corporation with principal address located at One CVS Drive, Woonsocket, Rhode Island 02895. Defendant CVS has over 230 stores in Michigan and conducts business within this judicial district.

14. Upon information and belief, Defendants I & J, Inc. d/b/a Dollar Or Less ("**Dollar Or Less**") is a Michigan corporation, having a place of business located at 1415 S. Main Street, Eaton Rapids, Michigan 48827.

JURISDICTION AND VENUE

15. Plaintiff restates and incorporates herein by reference the allegations of Paragraphs 1 through 14 as though fully set forth herein.

16. This is a civil action for federal copyright infringement under the Copyright Laws of the United States of America, 17 U.S.C. §101 *et. seq.*, federal unfair competition under the Lanham Act 15 U.S.C. §1125(a), unjust enrichment and unfair competition under the common law of the State of Michigan.

17. This Court has subject matter jurisdiction based upon 28 U.S.C. §1338.

18. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391.

19. This Court has subject matter jurisdiction under 28 U.S.C. §1332 because this is a civil action between diverse parties and the matter in controversy exceeds the jurisdictional amount of \$75,000.

20. This Court has supplemental jurisdiction over the state common law claims arising under the laws of the State of Michigan pursuant to 28 U.S.C. §1367.

BACKGROUND

21. Plaintiff restates and incorporates herein by reference the allegations of Paragraphs 1 through 20 as though fully set forth herein.

22. Malewski is an artist and is in the business of creating artistic works, including a line of snowmen decorations that have been illustrated in the *Oh, Snow!* book dated 2001. Excerpts from Plaintiff's book are attached as Exhibit A.

23. The *Oh, Snow!* book illustrates Plaintiff's original and distinctly characterized snowmen depicted on various articles, each were created, authored, and painted by Plaintiff. Plaintiff's snowmen have acquired secondary meaning.

24. Plaintiff obtained United States Copyright Registration No. TX 5-664-040 dated October 31, 2002 entitled "Oh, Snow!" Plaintiff is the sole owner of said registration.

25. Plaintiff obtained United States Copyright Registration No. VA 1-229-177 dated February 25, 2004 entitled "Oh Snow!" Plaintiff is the sole owner of said registration.

26. At all times relevant to this action, Plaintiff has been and is the owner of all right, title and interest in United States Copyright Registration Nos. VA 1-229-177 and TX 5-664-040 ("Plaintiff's copyrights"). See copies attached as Exhibit B.

COUNT I

FEDERAL COPYRIGHT INFRINGEMENT (17 U.S.C. §501)

27. Plaintiff restates and incorporates herein by reference the allegations of Paragraphs 1 through 26 as though fully set forth herein.

28. Count I is an action by Plaintiff against Defendants alleging Federal Copyright Infringement of Plaintiff's United States Copyright Registration Nos. TX 5-664-040 entitled, "Oh, Snow!", and VA 1-229-177 entitled "Oh Snow!" in violation of 17 U.S.C. §501.

29. Plaintiff's copyrighted "Oh Snow!" works contain original material that is copyrightable subject matter under the Copyright Laws of the United States.

30. Upon information and belief, Defendants have reproduced, prepared derivative works, distributed copies of, promoted, sold, and offered for sale, illegal and unauthorized copies of Plaintiff's "Oh, Snow!" works and, thus, have infringed Plaintiff's copyrights.

31. Defendants **Hancock** have infringed Plaintiff's copyrights and have advertised infringing products for sale in Hancock's advertising literature. See Exhibit **C** for Hancock's November 21, 2002 advertisements depicting infringing articles that depict Plaintiff's copyrighted expressions.

32. Defendants **Dollar General and Dolgencorp** have infringed Plaintiff's copyrights and have advertised for sale infringing products, including, but not limited to, a three-piece bathroom set that prominently displays Plaintiff's "Oh, Snow!" expressions (Part No. 4 00006 251237 4). See Exhibit **D** for a photograph of the accused products incorporating Plaintiff's copyrighted expressions. Upon information and belief, many of Defendants' 6,113 stores in 27 states have sold one of more of the accused infringing products.

33. Defendant **Jo-Ann Stores** has infringed Plaintiff's copyrights and has advertised infringing products illustrating Plaintiffs' copyrighted expressions. For example, Jo-Ann Stores has sold, including, but not limited to, a letter holder for \$19.99 (Item No. 614-0917); a Santa's Workbench line; a Tissue Box for \$14.99 bearing "Starlight Starbright Keep My Snowflakes Safe Tonight" (Item No. 6140974); pencil holders and other infringing products bearing Plaintiff's copyrighted works. See Exhibit **E** for the accused infringing Jo-Ann Stores products.

34. Upon information and belief, Defendants **Hung** have infringed Plaintiff's copyrights and have contributed and vicariously infringed Plaintiff's copyrights and have induced the infringement of Defendant Jo-Ann Stores.

35. Defendants **A.C. Moore** have infringed Plaintiff's copyrights and advertised for sale products illustrating Plaintiff's copyrighted works, including, but not limited to, for example, A.C. Moore's Part No. CYH140083X, which is snowmen hanging from the "Oh, Snow!" banner (4 08012 46868 Dept. 35). See Exhibit **F** for an example of A.C. Moore's four snowmen attached to a banner as illustrated on the right, and Plaintiff's four snowmen shown on the left hand side secured to a wreath.

36. Defendant **Christmas Tree Shops** has infringed Plaintiff's copyrights and has advertised for sale infringing products illustrating Plaintiff's copyrighted works. For example, samples of some of Christmas Tree Shops' accused designs are attached as Exhibit G and include, but are not limited to, Oh, Snow! Snowmen Routed Heart - \$1.99 [0-00013 402409 5]; Oh, Snow! Routed Heart Santa - \$1.99 [0 00013 402409 5]; Its Snowtime wooden heart - \$1.69 [12WL0Q63B and No. 0 00013 40719 3]; large Let it Snow sled - \$6.99 [12WL0075B and 0 00013 40727 8]; small snow sled \$2.99 [12WL0075A and 0 00013 40726 1]; Starlight, Starbright sign - \$6.99 [622129036 and 0 00013 40254 9]; Starry Night Bird House - \$2.50 [0 000 13 40721 6].

37. Defendant **Walgreens** has infringed Plaintiff's copyrights and has advertised for sale products that infringed Plaintiff's copyrights, including, but not limited to, for example, Walgreens sells and distributes a large oval snowman entitled "Its Snowtime"; a ceramic plaque for \$7.99 Part No. 83799 from the Cherished Home Collection (Part No. 8 34389 00760 8); a treat canister jar with the name "Its Snowtime Snowman" for \$6.99 (Part No. 8 34389 00397 6); a ceramic tea-light holder for \$1.99, Part No. 642118 (8 343890072 1); a scented ceramic jar candle, Part No. 642117 (8 34389 00777 6). See Exhibit H, Walgreens' advertisements. Walgreens has over 4,291 stores, of which 135 are located in the State of Michigan, each of which are believed to have sold one or more of the accused infringing products.

38. Defendant **ABC Distributing** has infringed Plaintiff's copyrights, and has advertised for sale infringing products illustrating Plaintiff's copyrighted works of expression. ABC Distributing is one of the nation's largest mail order gift companies and has an interactive website at www.abcdistributing.com which allows for purchasing

and shipping infringing products to this judicial district, including, but not limited to, for example, an infringing snowman for \$4.95, Part No 248875, and possibly others. See Exhibit I, p. 521 of ABC Distributing's catalog.

39. Defendant **Oriental** has infringed Plaintiff's copyrights and has reproduced and distributed for sale infringing products illustrating Plaintiff's works, including, but not limited to, for example, Painted Snowman Muffin Tin (Part No. 95/1547). This product was advertised for sale in Oriental's catalogs or on its interactive website in this judicial district. Attached as Exhibit J is an excerpt from Oriental's catalog and a printout from its website offering for sale the infringing product.

40. Defendant **CVS** has infringed Plaintiff's copyrights, and has advertised for sale products that reproduce and distribute Plaintiff's copyrighted works, including, but not limited to, for example, CVS has distributed and sold a wooden bowl for \$6.99 bearing Part No. 246 586. CVS is a nationwide corporation, and has over 390 stores within the State of Michigan. The accused product has been sold in one or more of these stores within the State of Michigan, and, possibly others nationwide. See Exhibit K, the infringing CVS product.

41. Defendant **Dollar or Less**, has infringed Plaintiff's copyrights and has advertised for sale products illustrating Plaintiff's copyrighted expressions including, but not limited to, for example, a ceramic cup bearing "Its Snowtime!" - \$1.00 [43055 30354 2], and possibly other products. See Exhibit L.

42. On information and belief, the Defendants have had access to Plaintiff's copyrighted works and the accused products and materials are substantially similar to Plaintiff's works.

43. On information and belief, the actions by Defendants are willful.

COUNT II

FEDERAL UNFAIR COMPETITION (15 U.S.C. §1125)

44. Plaintiff restates and incorporates herein by reference the allegations of Paragraphs 1 through 43 as though fully set forth herein.

45. Upon information and belief, Defendants have violated 15 U.S.C. §1125(a).

46. Upon information and belief, Defendants have infringed Plaintiff's trade dress in her distinctive snowmen designs.

47. Upon information and belief, Defendants' conduct has been deliberate, willful and intentional.

48. Upon information and belief, Defendants use, in commerce, of the infringing products has damaged Plaintiff in an amount yet to be determined, but is believed to be in excess of \$75,000.

49. Upon information and belief, Defendants' activities are in direct contravention of Plaintiff's rights, making this an exceptional case as to warrant an award of attorney's fees under 15 U.S.C. §1117(a).

COUNT III

UNJUST ENRICHMENT

50. Plaintiff restates and incorporates herein by reference the allegations of Paragraphs 1 through 49 as though fully set forth herein.

51. Upon information and belief, Defendants have been unjustly enriched by infringing Plaintiff's copyrights and by unfairly competing against Plaintiff, all to the detriment of Plaintiff.

52. Upon information and belief, the activities complained of herein have allowed Defendants to unjustly enrich themselves by deriving profits to which they are not entitled to and to usurp the benefits of Plaintiff's extensive development and creation of the copyrighted works.

53. Upon information and belief, the activities constituting unjust enrichment by Defendants to the detriment of Plaintiff were deliberate, willful and intentional and that such activities were in direct contravention of Plaintiff's rights, making this an exceptional case to warrant an award of attorneys fees.

COUNT IV
COMMON LAW UNFAIR COMPETITION

54. Plaintiff restates and incorporates herein by reference the allegations of Paragraphs 1 through 53 as though fully set forth herein.

55. Upon information and belief, the activities referred to above have occurred in the State of Michigan and have resulted in activities directed toward customers within the State of Michigan, and constitute unfair competition by Defendants in violation of the common law of Michigan.

56. Upon information and belief, the aforementioned activities constitute common law unfair competition by Defendants to the detriment of Plaintiff, and have

been deliberate, willful and intentional, making this an exceptional case as to warrant an award of attorney's fees.

PRAYER FOR RELIEF

Plaintiff asks this Court to:

- 1) Enter judgment in its favor and against Defendants;
- 2) Find that Defendants have infringed Plaintiff's copyrights in violation of 17 U.S.C. §501 and find Defendants' acts were willful;
- 3) Award actual or statutory damages and/or Defendants' gross revenues for infringing Plaintiff's copyrights;
- 4) Award Plaintiff the costs incurred in this action including an award of reasonable attorney's fees under 15 U.S.C. §1117 and 17 U.S.C. §505;
- 5) Order destruction of all infringing articles under 17 U.S.C. §503;
- 6) Find Defendants violated 15 U.S.C. §1125(a) and award damages under 15 U.S.C. §1117, and find that this is an exceptional case so as to award attorneys' fees and increased damages;
- 7) Find Defendants copied Plaintiff's trade dress;
- 8) Find Defendants have been unjustly enriched and award Plaintiff all damages and profits resulting therefrom;
- 9) Find Defendants have unfairly competed in violation of the common law of the State of Michigan;
- 10) Permanently enjoin Defendants from all future infringing acts that violate Plaintiff's rights; and
11. Any other such relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff respectfully requests a trial by jury.

Respectfully submitted,

By: 

Douglas P. LaLone (P45741)

Warn Hoffmann, Miller & LaLone, P.C.

Attorneys for Plaintiff

691 N. Squirrel Road, Suite 140

Auburn Hills, MI 48326

(248) 364-4300

VERIFIED STATEMENT

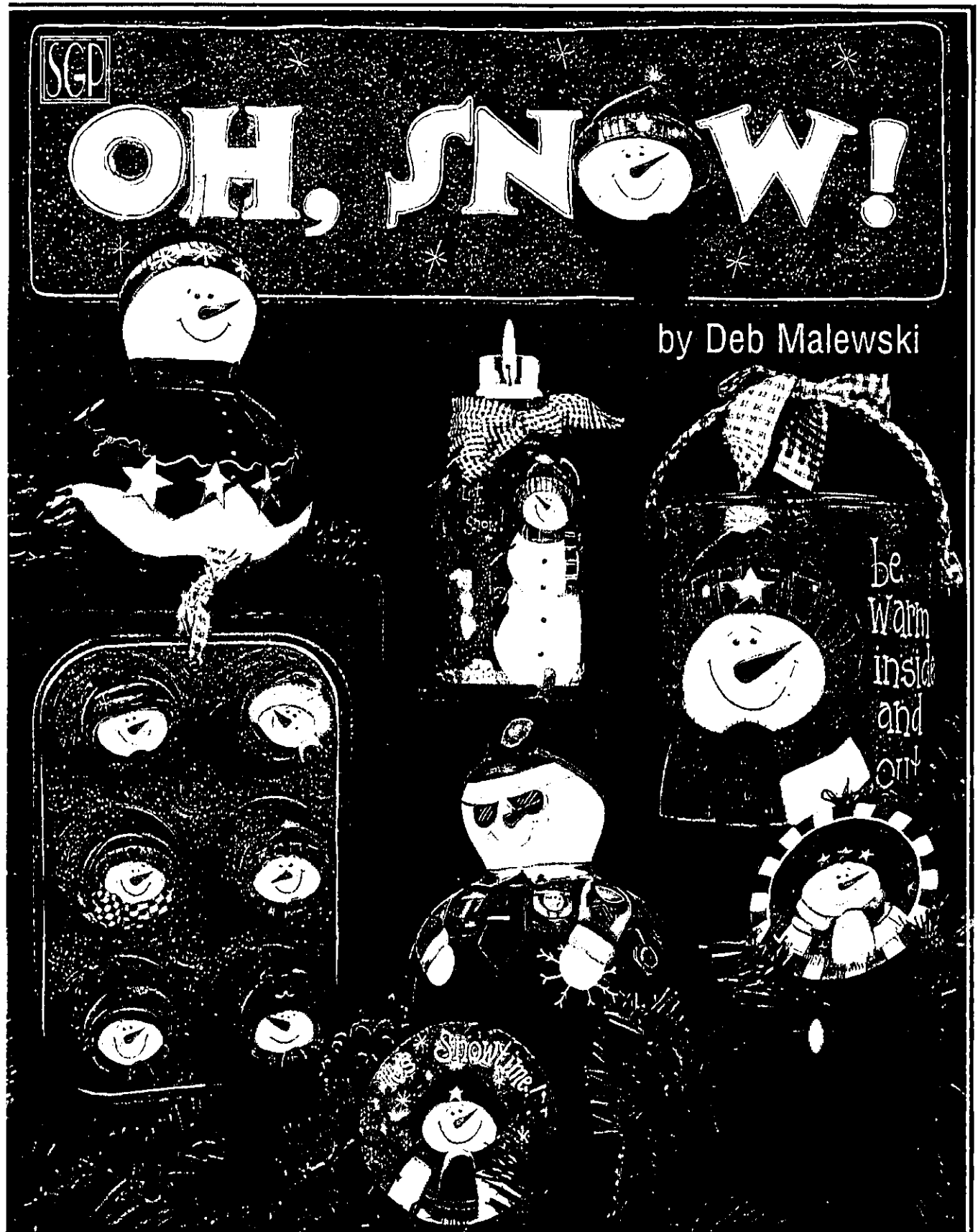
I declare under the penalty of perjury that the above stated facts are true to the best of my knowledge and belief except as to those matters stated to be upon information and belief and, as to those matters, I believe them to be true.

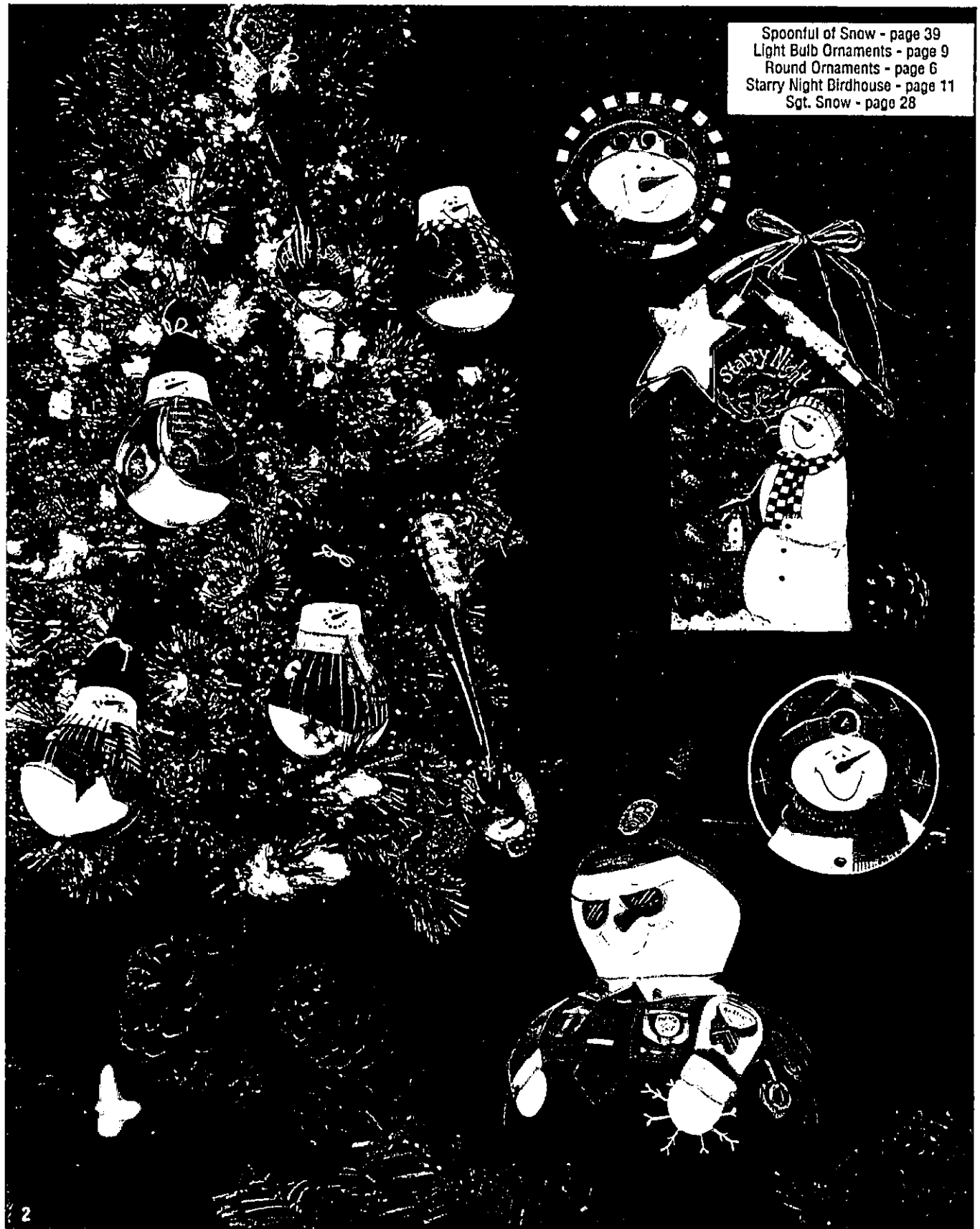
Dated: May 12, 2004

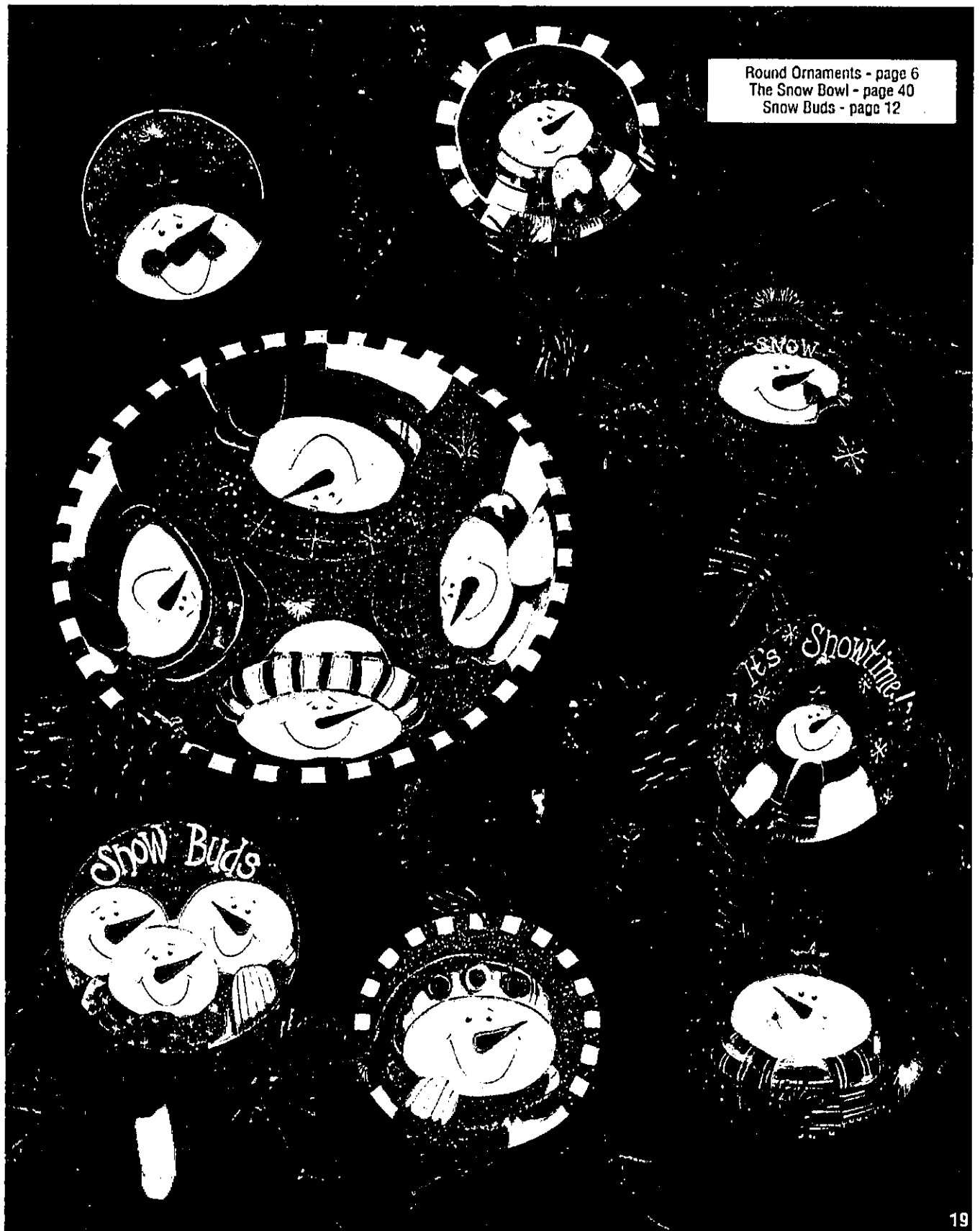
By: 

Deborah Malewski

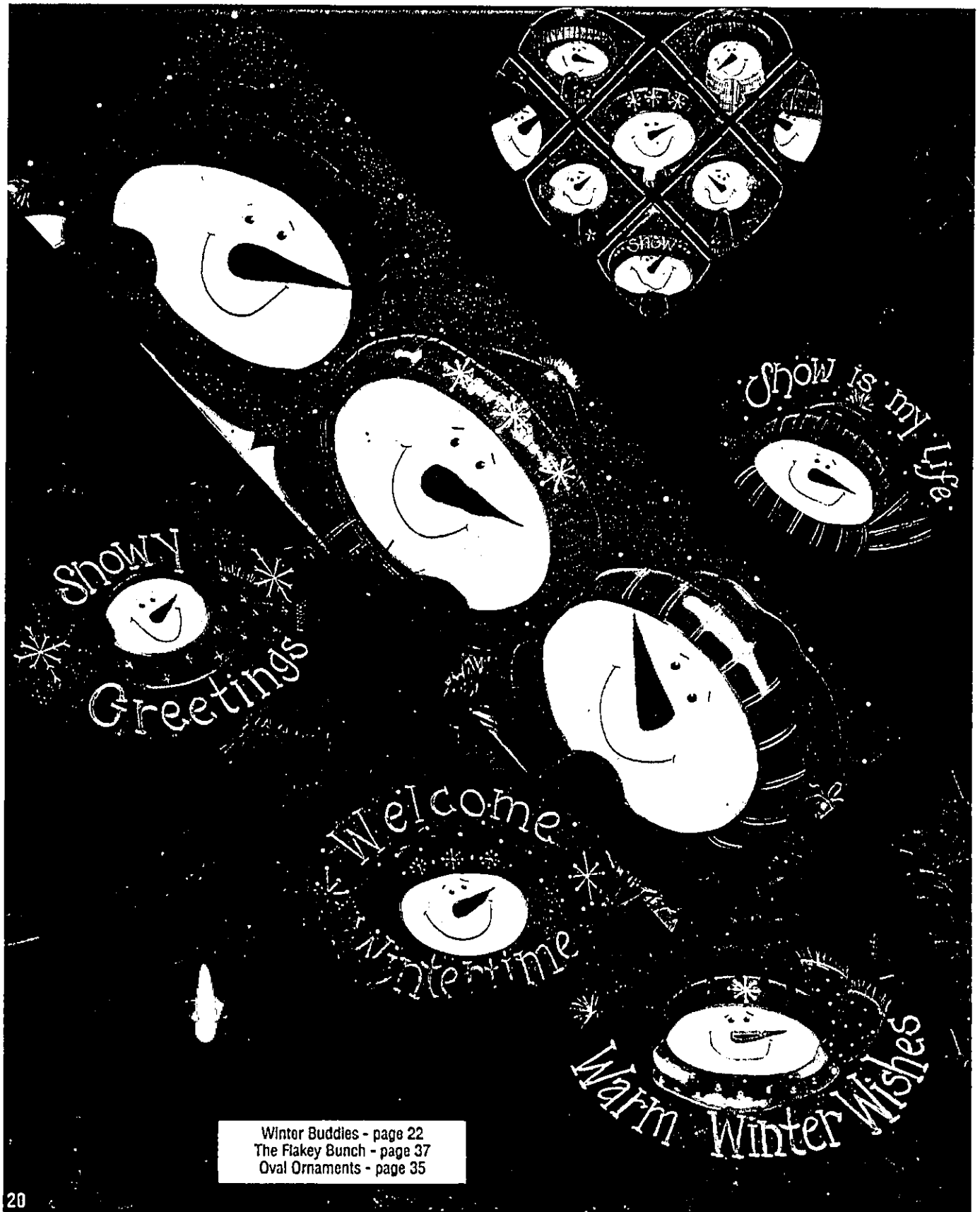
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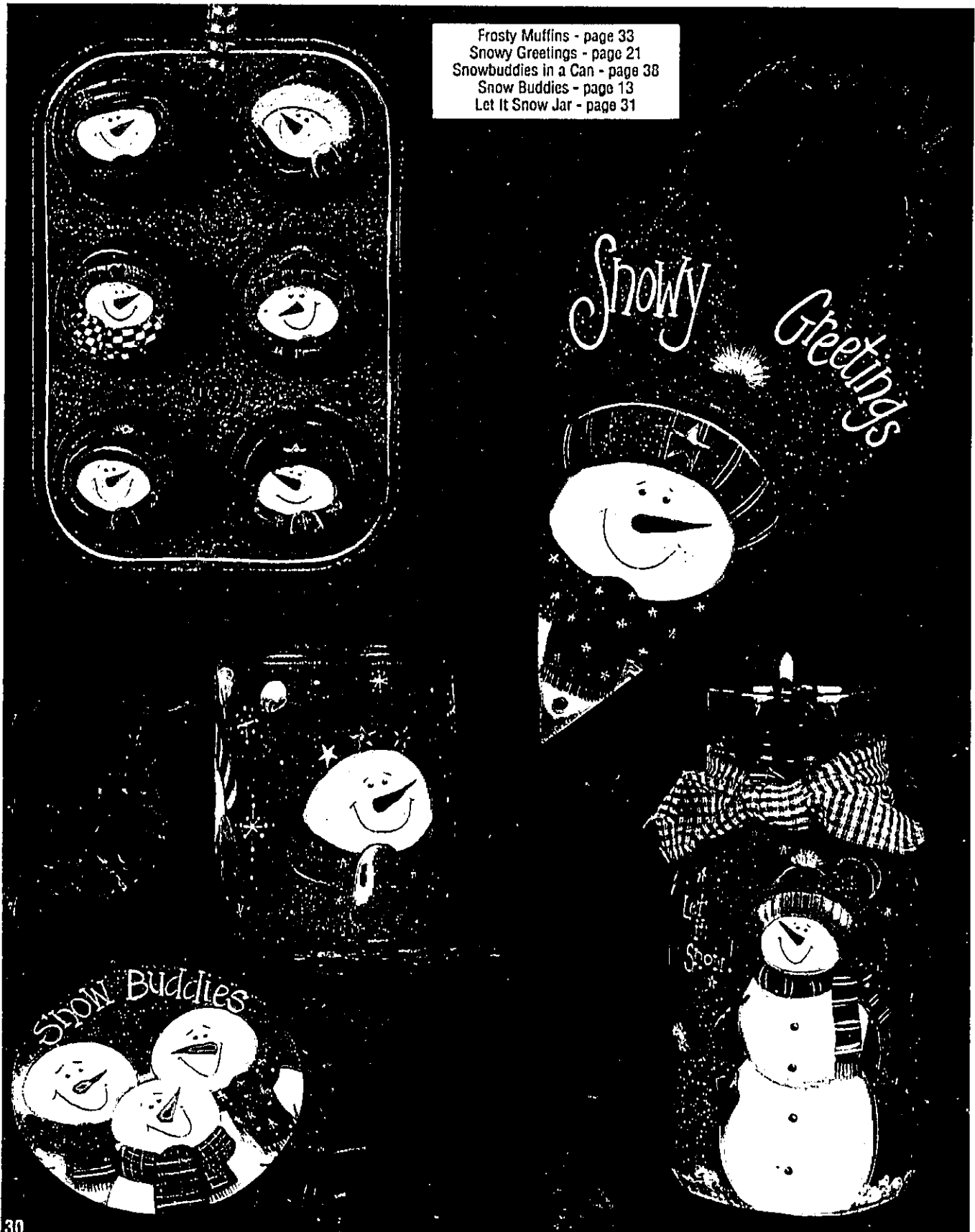


Round Ornaments - page 6
The Snow Bowl - page 40
Snow Buds - page 12



Winter Buddies - page 22
The Flakey Bunch - page 37
Oval Ornaments - page 35



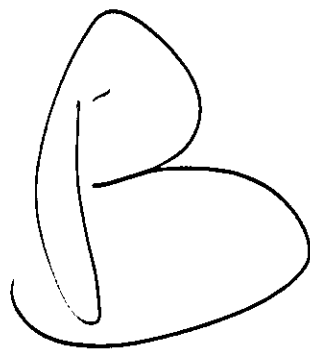






Snowflake Wreath - page 43



A handwritten mark or signature, possibly the letter 'B', rendered in a simple, sketchy line style. It consists of a vertical line on the left, a curved line on the right, and a horizontal line connecting them in the middle.

CERTIFICATE OF REGISTRATION



This Certificate Issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS

OFFICIAL SEAL

United States of America

Correspondence

SHORT FORM TX

For a Nondramatic Literary Work

UNITED STATES COPYRIGHT OFFICE

Registr.

TX 5-664-040



Effective Date of Registration

October 31, 2002

Application Received

October 31, 2002

Fee Received

TYPE OR PRINT IN BLACK INK. DO NOT WRITE ABOVE THIS LINE.

Title of This Work:

1

Oh, Snow!

Alternative title or title of larger work in which this work was published:

Name and Address of Author and Owner of the Copyright:

2

Deborah J. Malowski
1308 Hall St.
Eaton Rapids, MI 48827Nationality or domicile:
Phone, fax, and email:

Phone (517) 663-6432, 663-1209

Fax ()

Email dcborah@voyager.net

Year of Creation:

3

2001

If work has been published,
Date and Nation of Publication:

4

a. Date July 10 2001 (Month, day, and year all required)

b. Nation

Type of Authorship in This Work:

5

☒ Text (includes fiction, nonfiction, poetry, computer programs, etc.)☐ Illustrations☐ Photographs☐ Compilation of terms or data

Check all that this author created.

Signature:

6

I certify that the statements made by me in this application are correct to the best of my knowledge. Check one:

☒ Author ☐ Authorized agentx *Deborah J. Malowski*

Name and Address of Person to Contact for Rights and Permissions:

7

☒ Check here if same as #2 above.

Phone, fax, and email:

Phone ()

Fax ()

Email

8

Certificate will be mailed in window envelope to this address:

Name ☐
Deborah J. Malowski
Number/Street/P.O. ☐
1308 Hall St.
City/State/ZIP ☐
Eaton Rapids, MI 48827

9

Deposit Account # _____
Name _____

Complete this field only if the work is to be deposited in the Copyright Office.

DO NOT WRITE HERE Page 1 of _____ pages

17 U.S.C. § 405(c); Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 405, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

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B

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America

FORM VA

For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

VA 1-229-177



EFFECTIVE DATE OF REGISTRATION

02 25 04
Month Day Year

1. ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

Title of This Work

Oh Snow!

NATURE OF THIS WORK

Painted Drawing/Sculpture/Photographs

Previous or Alternative Titles

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give

Volume

Issue Date

On Page

NAME OF AUTHOR

Deb Malewski

DATES OF BIRTH AND DEATH

Year Born

Year Died

1955

Was this contribution to the work a "work made for hire"?

☐ Yes
☒ No

Author's Nationality or Domicile

OR ☐ Citizen of USA
☐ Domiciled in _____

Was This Author's Contribution to the Work

Anonymous ☐ Yes ☒ No

Pseudonymous ☐ Yes ☒ No

If the answer to either of these questions is Yes, see detailed instructions

Nature of Authorship Check appropriate box(es) See instructions

☒ 3 Dimensional sculpture

☐ Map

☐ Technical drawing

☒ 2 Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author

Sharon & Gayle Publications

Dates of Birth and Death

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☒ Yes
☐ No

Author's Nationality or Domicile

OR ☐ Citizen of USA
☐ Domiciled in _____

Was This Author's Contribution to the Work

Anonymous ☐ Yes ☒ No

Pseudonymous ☐ Yes ☒ No

If the answer to either of these questions is Yes, see detailed instructions

Nature of Authorship Check appropriate box(es) See instructions

☐ 3 Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2 Dimensional artwork

☒ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Year in Which Creation of This Work Was Completed

2001

Date and Month of First Publication of This Particular Work

Month July

Day 10

Year 2001

This information must be given in all cases

Complete this information ONLY if this work has been published

USA

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 1

Deb Malewski 1308 Hall Street Eaton Rapids MI 48827

APPLICATION RECEIVED

FEB 25 2004

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FEB 25 2004

FUNDS RECEIVED

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 1 give a brief statement of how the claimant(s) obtained ownership of the copyright

By Assignment

MORE ON BACK

Complete all applicable spaces (numbers 1-8) on the reverse side of this page
See detailed instructions Sign the form at line 8

DO NOT WRITE HERE
Page 1 of _____ pages

EXAMINED BY

FORM VA

CHECKED BY

☐ CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work or for an earlier version of this work already been made in the Copyright Office?

☐ Yes ☒ No If your answer is Yes why is another registration being sought? (Check appropriate box) ▼

- a ☐ This is the first published edition of a work previously registered in unpublished form
- b ☐ This is the first application submitted by this author as copyright claimant
- c ☐ This is a changed version of the work as shown by space 6 on this application

If your answer is Yes give Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work complete only 6b for a compilation

a Preexisting Material Identify any preexisting work or works that this work is based on or incorporates ▼

b Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copy right is claimed ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office give name and number of Account

Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

Deb Malewski
1308 Hall Street
Eaton Rapids MI 48827

Area code and daytime telephone number (517) 663 6432

Fax number ()

Email deborah@voyager.net

CERTIFICATION* I the undersigned hereby certify that I am the

check only one ►

☒ author☐ other copyright claimant☐ owner of exclusive right(s)☐ authorized agent of

Name of author or other copyright claimant or owner of exclusive right(s) ▼

of the work submitted in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date ▼ If this application gives a date of publication in space 3 do not sign and submit it before that date

Deb Malewski

Date December 31, 2003

Handwritten Signature (X) ▼

X

Certificate
will be
mailed in
window
envelope
to this
address

Name ▼
Deb Malewski

Number/Street/Apt ▼
1308 Hall Street

City/State/ZIP ▼
Eaton Rapids MI 48827

Complete all necessary sections
on your application at space 8

1 Application form

2 Nonrefundable filing fee in check or money

order payable to Registrar of Copyrights

3 Deposit material

Library of Congress

Copyright Office

101 Independence Avenue S E

Washington D C 20540-8000

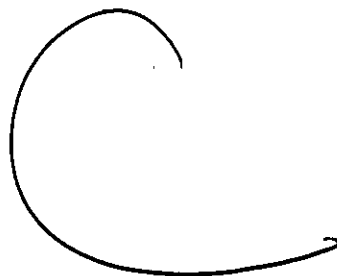
Fee is added
to check
to check
Copyright Office
envelope
if you pay
with the Copyright
Office or not
(Don't pay)

17 U.S.C. § 500(a) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408 or in any written statement filed in connection with the application shall be fined not more than \$2,500

Rev June 2003—20 000 Web Rev June 2002 Printed on recycled paper

U.S. Government Printing Office 2000 481 113/20 021

B

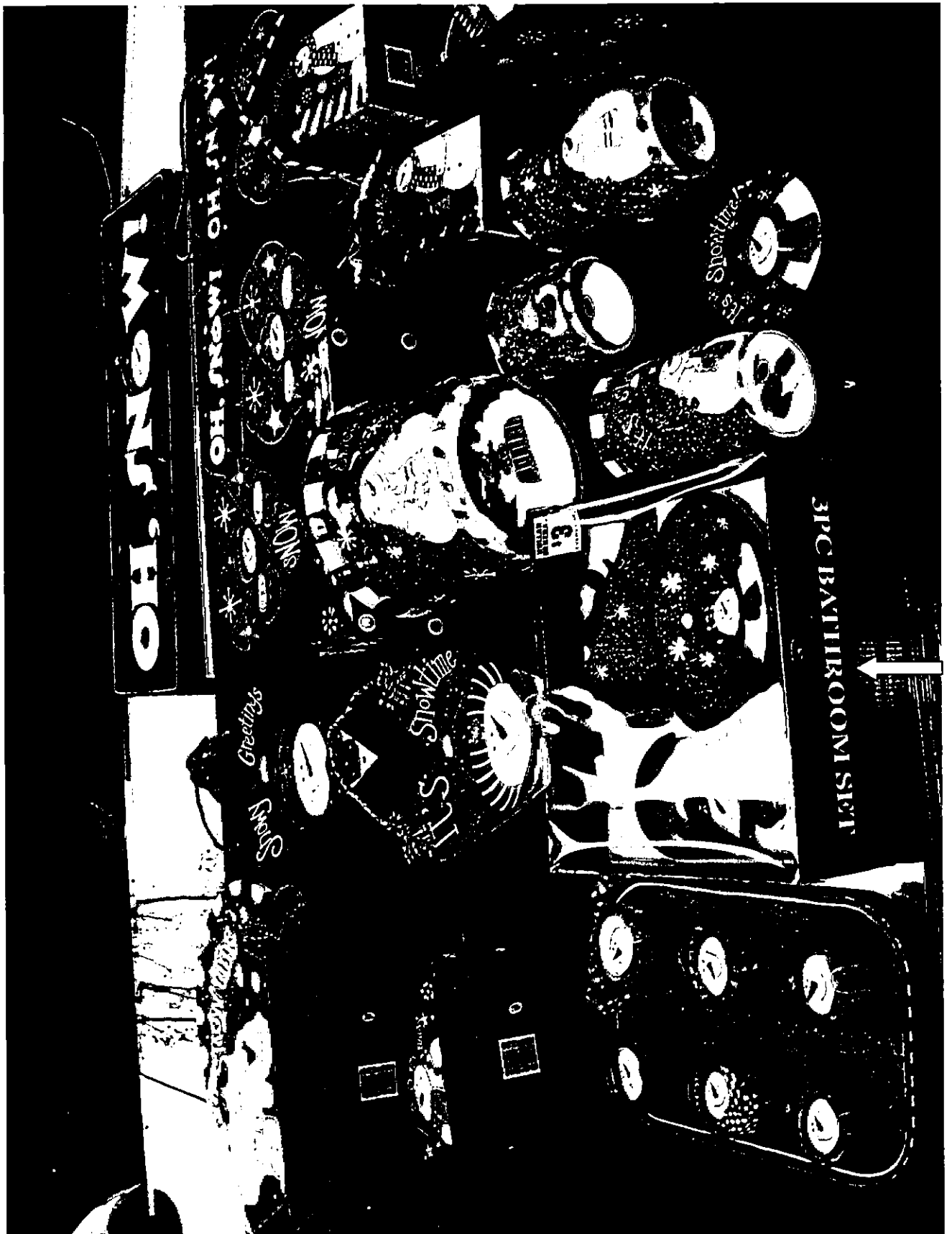
A single, handwritten cursive letter 'e' is centered on the page. The letter is formed with a single continuous stroke, starting from the middle, curving upwards and to the left, then downwards and to the right, ending with a small hook.

Hancock Fabrics' best selection ever. Christmas greenery, wreaths, trees, picks, ribbons, trims and candles. Plus choose from a variety of sculptured figurines including santas, snowmen, ornaments and more. Selections will vary between stores.

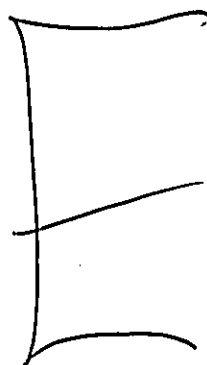
Sale 40% off
Koppar Upside Down

**Defendant
Hancock Fabrics**

D



Defendant
Dollar General

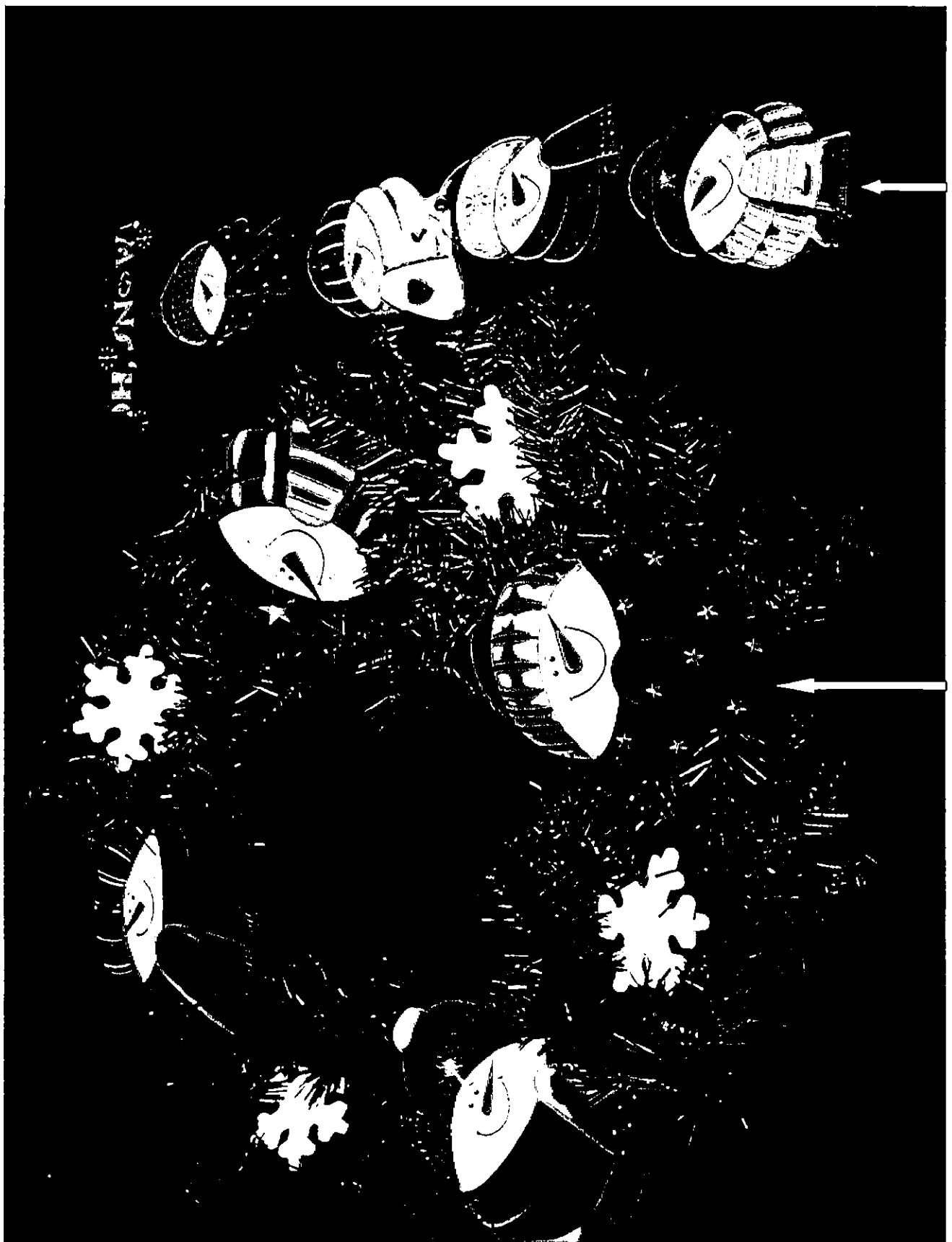




Defendant
Jo-Ann Stores

Plaintiff
Deb Malewski

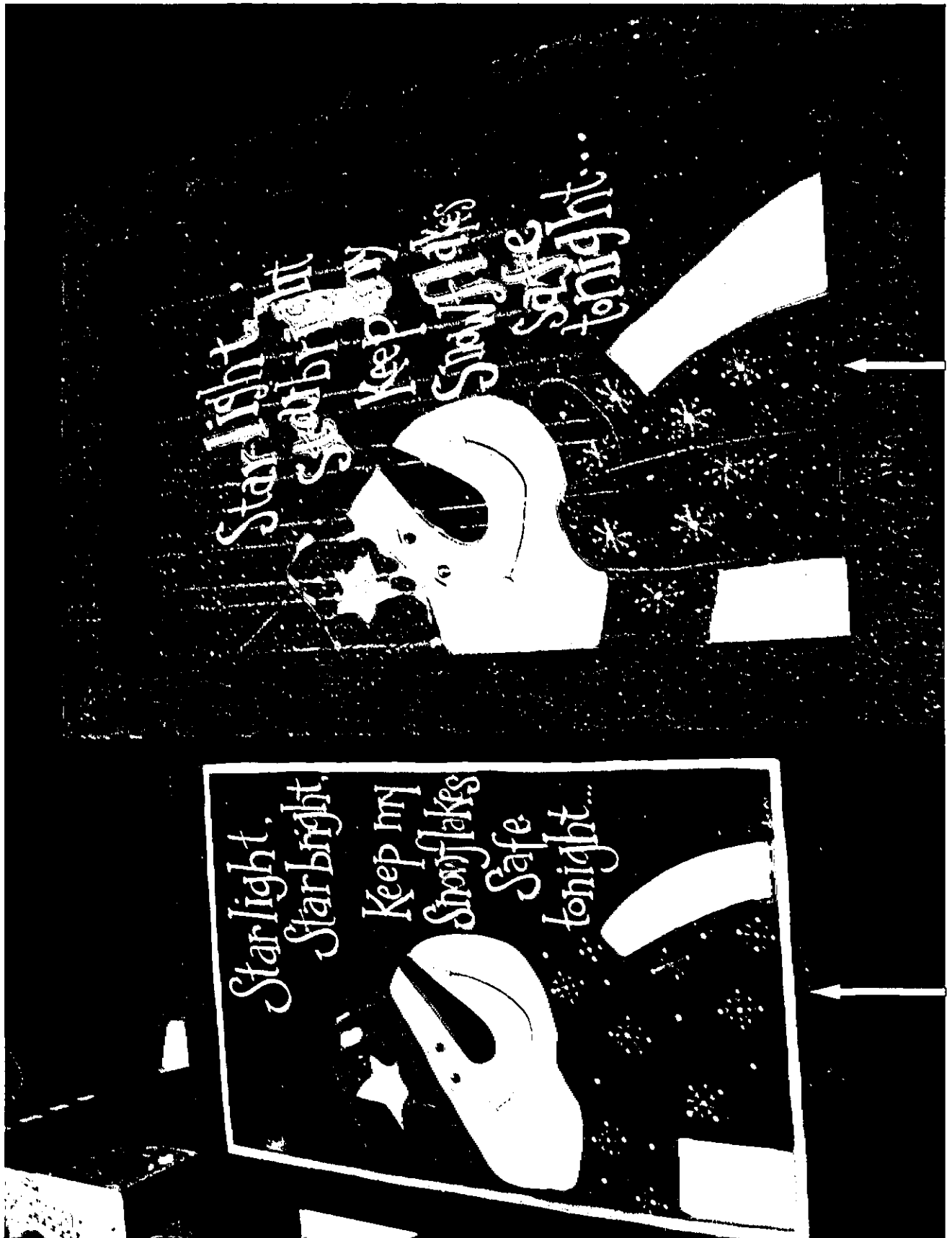
F



Defendant
AC Moore

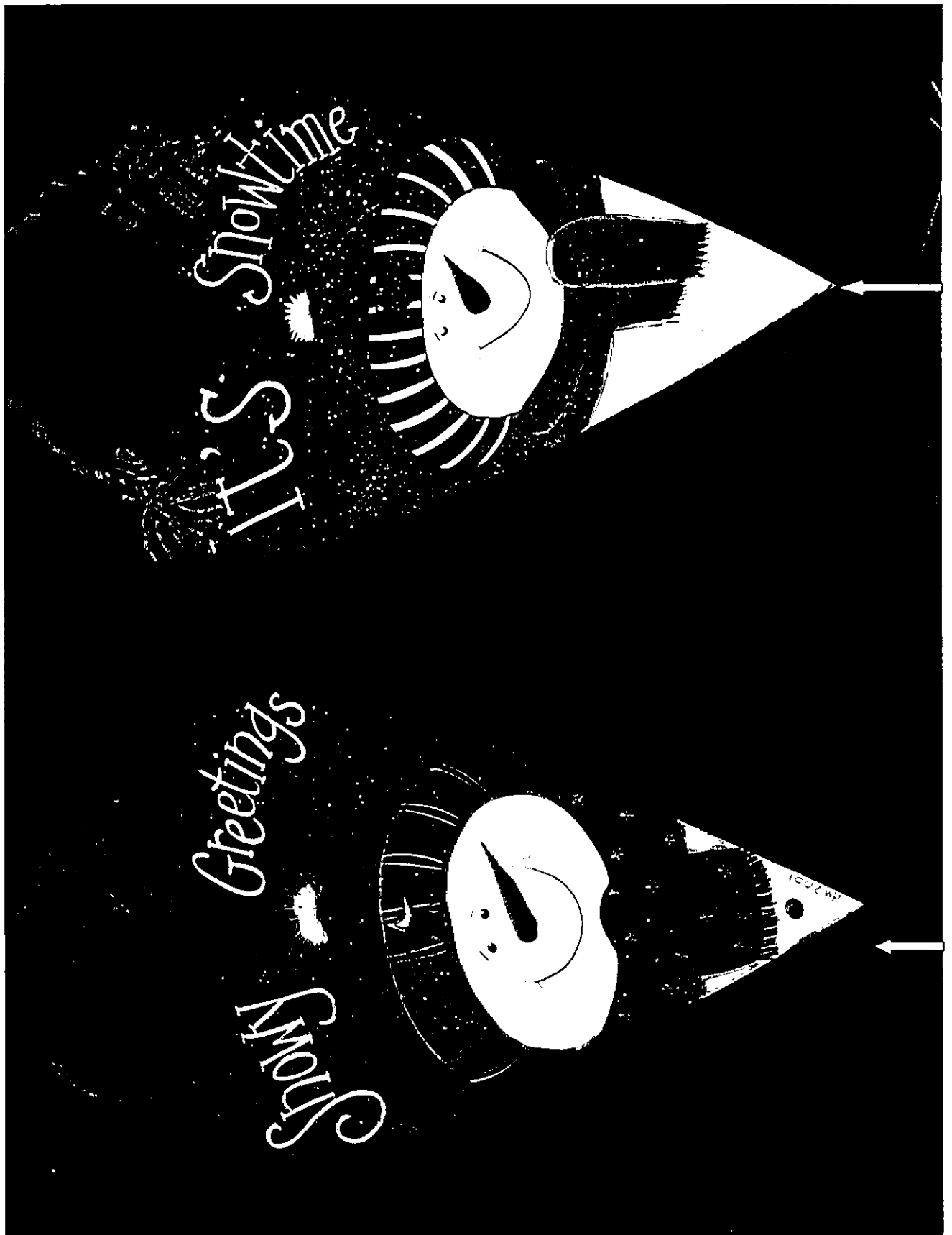
Plaintiff
Deb Malewski

6



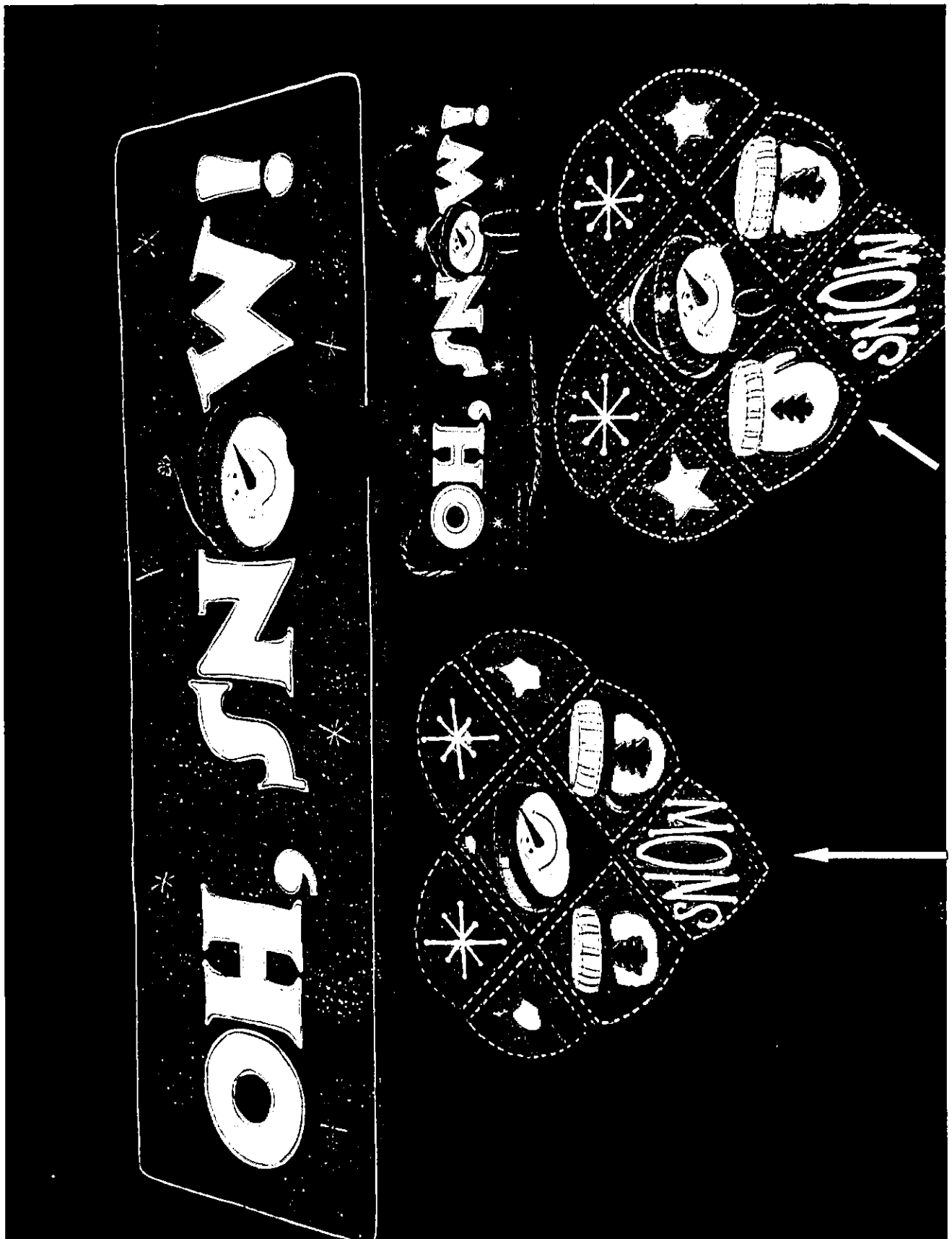
Plaintiff
Deb Malewski

Defendant
Christmas Tree Shops



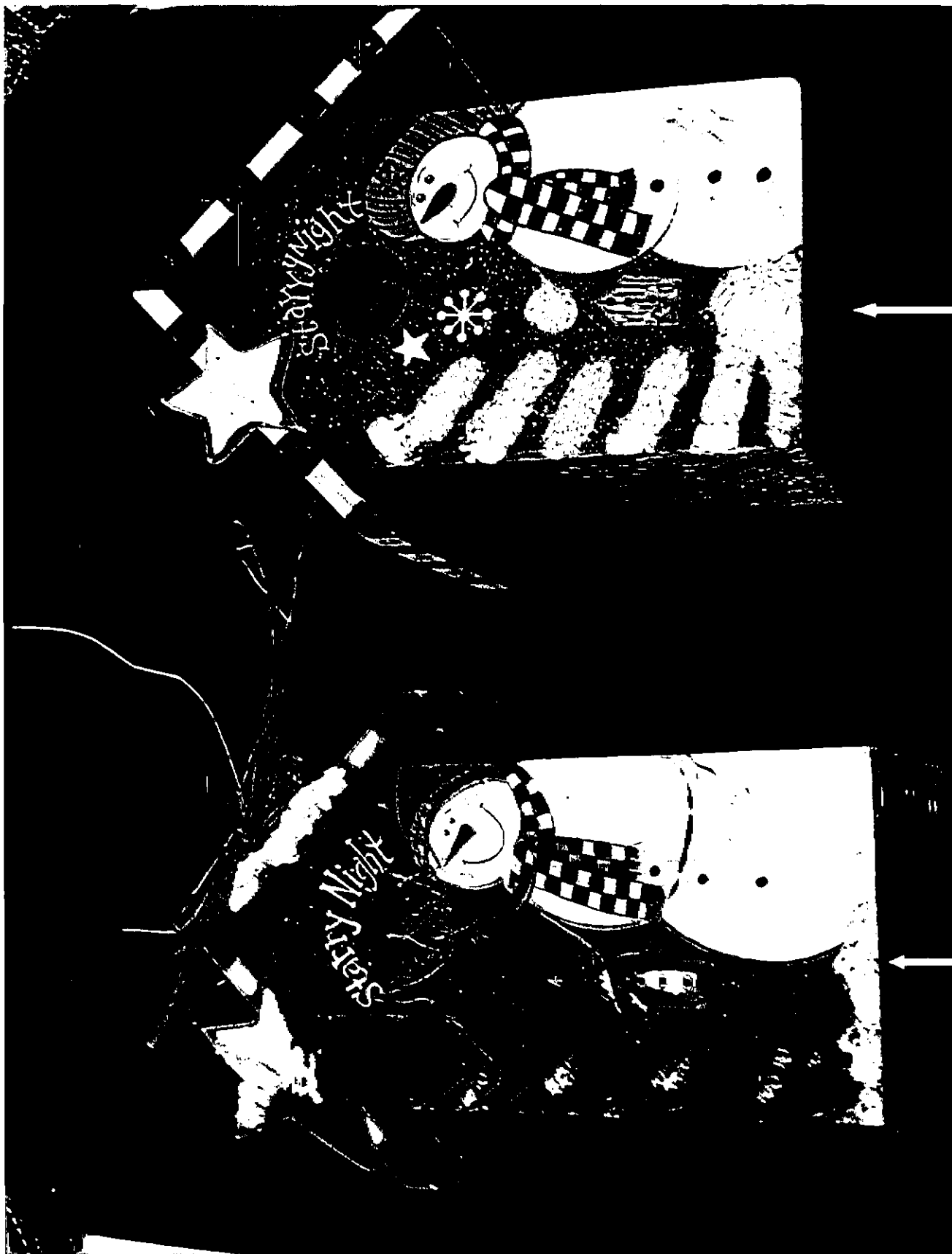
Plaintiff
Deb Malewski

Defendant
Christmas Tree Shops



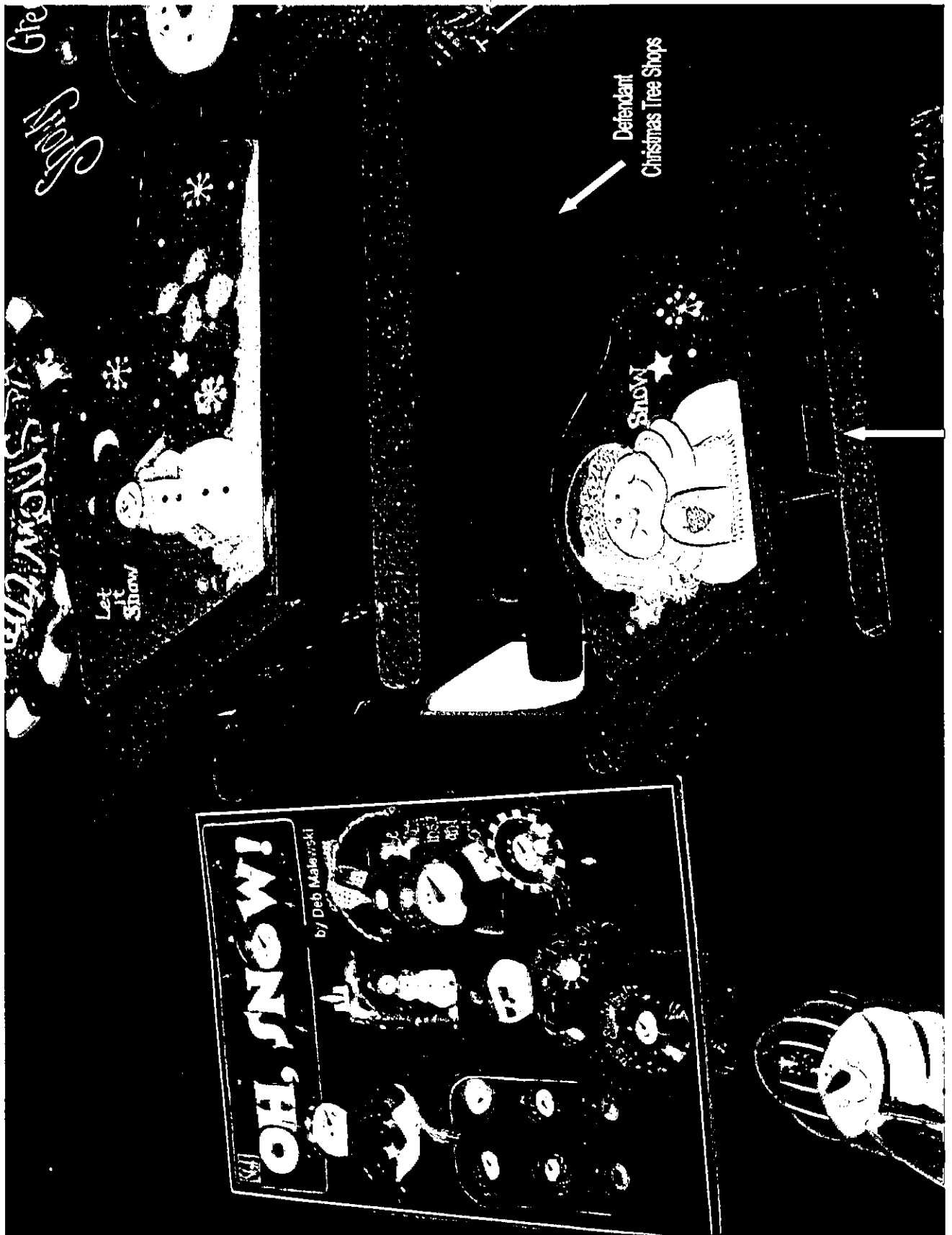
Plaintiff
Deb Malewski

Defendant
Christmas Tree Shops



Plaintiff
Deb Malewski

Defendant
Christmas Tree Shops



Defendant
Christmas Tree Shops

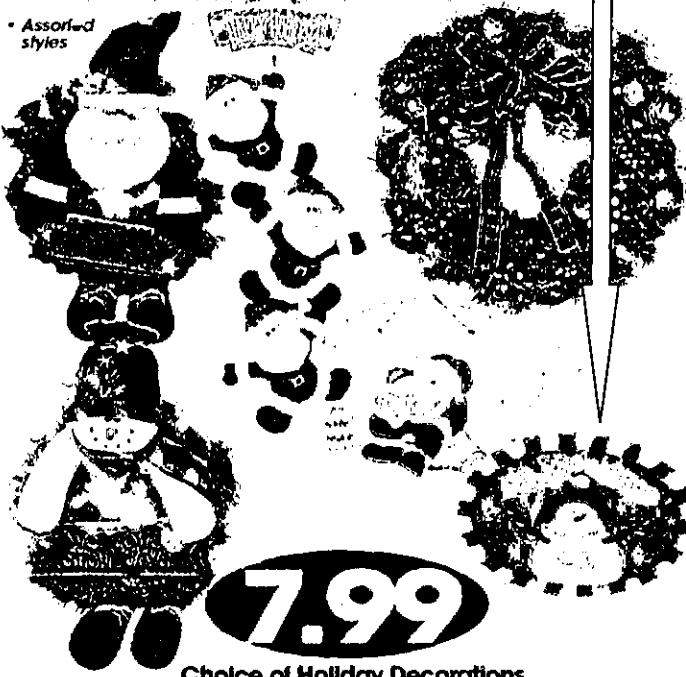
41.

Defendant Walgreens

Save on holiday decorating ideas

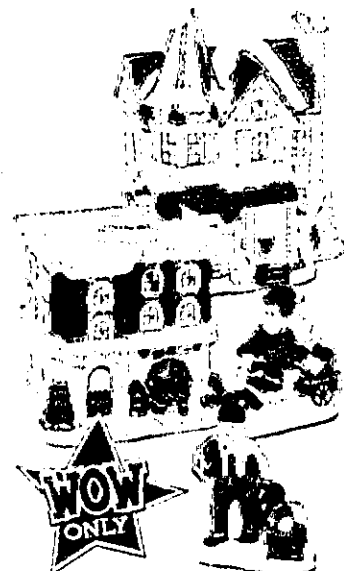


Get 1
FREE
Plate, 6 in.
Pillar
Limit 4
2/\$1.99



Choice of Holiday Decorations
• Character Wooden Wreath, 18 in. • Character Wall Decoration, 24 in.
• Ceramic or Glass Wall Decoration, 10 in. • Traditional Wreath, 18 in.

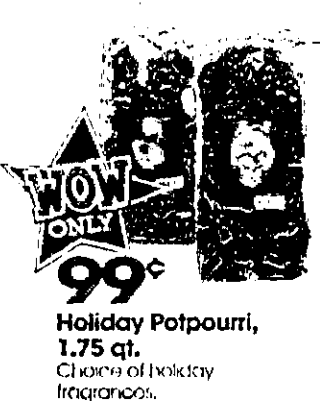
7.99



99¢ GREAT PRICE!
Wellington Square Village Houses and Accessories
Create your own village.
Choice of styles.



Sale priced!
Reg. \$1.99
4.99
Candle holders, 4 in. • 2 pack
candle holders, 10 in.
candle holders



99¢
Holiday Potpourri,
1.75 qt.
Choice of holiday
fragrances.



Buy 1 of \$4.99 Get 1
FREE
Value Pack Candles
• 24 pack Votive • 15 pack Formal,
10 in. • 6 pack Party Votives with
Glass Holders
Sale priced! 2/\$4.99



4.99 Tea lights sold
separately
Choice of Candle Holders
• Snowflake or Snowman Tea Light
Candle Holder
• Snowflake Pillar Candle with Holder



Buy 1 at 69¢ Get 1
FREE
Paper Candle
Ring, 1 in.
Limit 6
2/69¢



4.99 Sale priced!
Reg. \$5.99
**Gibson Mega
Match Lighter**

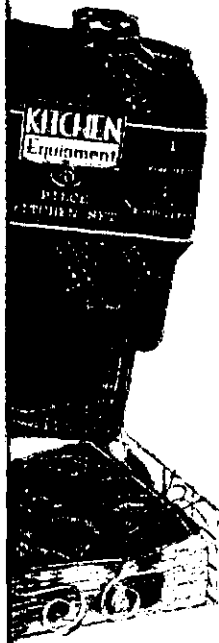


99¢ Candles sold
separately
Glass Votive Candle Holder
Choice of designs.

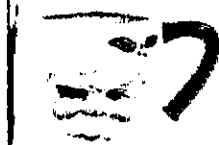


Buy 1 at \$1.49 Get 1
FREE
20 Pack Incense
Includes Bayberry,
Cinnamon and Pine.
Limit 6
2/\$1.49





9 Sale priced!
REG. \$5.99
Towel Set
Napkins with Caddy



Sale priced!
REG. \$1.29, \$1.69
Holiday Mug
Plastic Mug with Straw
10 oz.



Get 2nd for 1c More!
1/70
Holiday Mug, 11 oz.
Sale priced!



New Holiday
Design!

2/\$10

Holiday Stoneware
• 6 piece Tabletop Set • Serving Bowl, 10 in.
• Serving Platter, 14 in. • 5 piece Accessory Set

9.99 Sale priced!
REG. \$12.99

16 Piece Holiday
Stoneware Dinnerware Set
Includes 4 dinner plates, 4 bowls,
4 salad plates and 4 mugs.



2.99 Your Choice
• Ceramic Salt and Pepper
Shaker Set
• 4 piece Spreader Set



3.99 Ceramic Serving Tray
Snowman or reindeer.



• Assorted designs

6.99 Holiday Ceramic
Teapot, Jar and Saucer Set

Walgreens Sale 12/8 thru 12/14/02
1/7 DAY COUPON
Buy 1 at 39c,
Get 2nd for 1c More!
2/40¢
Holiday Mini
Plastic Tray, 5 in.
Limit 8
0 00000 01228 7

Walgreens Sale 12/8 thru 12/14/02
1/7 DAY COUPON
Buy 1 at 39c,
Get 2nd for 1c More!
2/40¢
Dessert Cup,
2 in.
Choice of colors.
Limit 8
Contents sold
separately
0 00000 01229 4

Walgreens Sale 12/8 thru 12/14/02
1/7 DAY COUPON
Buy 1 at 29c,
Get 2nd for 1c More!
2/30¢
Plastic Holiday
Tumbler, 12 oz.
Choice of designs.
Limit 10
0 00000 01230 0

Walgreens Sale 12/8 thru 12/14/02
1/7 DAY COUPON
Buy 1 at 69c,
Get 2nd for 1c More!
2/70¢
Holiday Decor
Vinyl Placemat
Choice of designs.
Limit 8
0 00000 01231 7

Make Walgreens Your Store. Online, Day or Night @ Walgreens.com

Defendant
Walgreens

H

Defendant Walgreens



Selection may
vary by store

1.99

Choice of Holiday Accessories or Candles

- Floating Mini Taper Candle Set, 6 in. • Ceramic Tea Light Holder
- Ceramic Candle Filled Jar • Taper Candle Holder
- Whimsical Trinket Box, 4 in. • Wall Plaque, 5 in. • Shelf Sitters, 6 in.
- Plush Snowman, 8 in. • Mini Nutcracker, 5 in.



99¢

Choice of Holiday Gift Ideas

- Polyresin or Stocking Figurines, 4 in. • Whimsical Snowman
- Candle Filled Ceramic • Glass Snowflake Tea Light
- Tea Light Candle Figure • Glass Angel Candle



3/\$2 Sale priced!
Reg. 99¢

Mini Silver Plated Basket
Choice of styles.



3/\$2 Sale priced!
Reg. 99¢

Holiday Oven Mitt
or Kitchen Towel
Choice of designs.



99¢

Holiday Ceramic
Canister, 4.5 in.



1.99

Decorative
or Holiday
Dispenser



7 DAY COUPON

Buy 1 at 39¢
Get 2nd for 1¢ more!

2/40¢

Holiday Mini
Plastic Tray
Approximately 4 1/2 in.
Limit 4



7 DAY COUPON

Buy 1 at 79¢
Get 2nd for 1¢ more!

2/80¢

Holiday
Potholder,
8x8 in.
Choice of designs.
Limit 4



7 DAY COUPON

Buy 1 at 69¢
Get 2nd for 1¢ more!

2/70¢

Holiday Mini Tin
Container, 4 in.
Choice of designs.
Limit 4



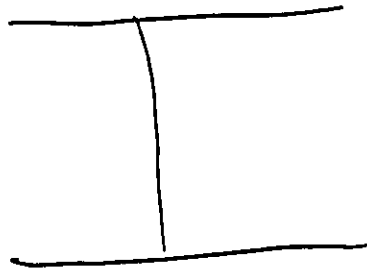
7 DAY COUPON

Buy 1 at 69¢
Get 2nd for 1¢ more!

2/70¢

Holiday Mini Tin
Container, 4 in.
Choice of designs.
Limit 4





Fill them up with candy, cookies or nuts!



Value Price:
\$4.95
each, in lots of 3
or more plus shipping

CERAMIC CHRISTMAS TREAT JARS

Adorable jars to hold scrumptious goodies! Each jar features glittery accents. The lids have a 3-D star or snowflake as a handle! Fill them up with anything you want or just use them as decorations! Hand-wash only.

Item 248875 - SNOWMAN

Item 248876 - SANTA

Buy some
for yourself
or give them
as gifts!



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SALE



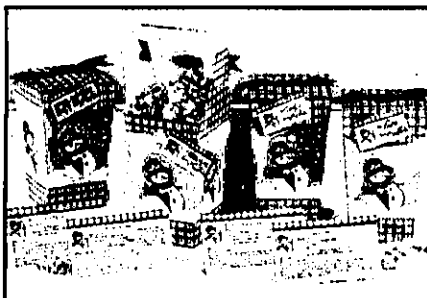
"Bettina" and the Snow Baby
 Made of cotton with yarn hair and stitched accents. For decorative use only. 17½"H x 7½"W.
 JM-91/3443 ~~\$9.95~~
 Now \$5.99 each



Snowman Shelf Sitter
 Made of peppermint red and white fabric with faux greenery for arms. 14"H x 5½"W x 2½"D.
 JM-95/1727 ~~\$9.95~~
 Now \$4.99 each



Holiday Character Ornaments
 Made of ceramic pots with dangling legs, twine and fabric accents. 3½"H x 2" diameter.
 JM-95/1747 ~~\$7.95~~
 Now \$2.99 set of six



Holiday Popcorn Cartons
 Set includes four tapered cardboard cartons, each with a ribbon, a gift enclosure and a recipe card for Maple Walnut, Tex-Mex, Pizza, and Caramel Pecan popcorn. Popcorn not included. Cartons, 6½"H x 4"W x 4"D.
 JM-95/1782 ~~\$7.95~~
 Now \$4.99 set of four



Snowman "Welcome" Sign
 Made of layered wood, accented with fabric and faux greenery. 10½"H x 17½"W x 7"D.
 JM-95/1735 ~~\$19.95~~ Now \$9.99 each



Standing Reindeer with Light-Up Wreath
 Encircled by a wreath, this festive reindeer is trimmed for the holidays. Made of wood. Assembly required. UL-listed cord. 36¼"H x 14¼"W.
 JM-95/1951 ~~\$12.99~~ Now \$11.99 each



Painted Snowman Muffin Tin
 Featuring a half dozen happy faces, our hand-painted muffin tin is sure to give your spirits a lift. For decorative use only. 10½"H x 7"W.
 JM-95/1547 ~~\$9.95~~
 Now \$4.99 each



Stoneware Snowman Crock
 Featuring a cute hand-painted design, this crock has a charming country look. Hand washing recommended. 4½"H x 5½" diameter.
 JM-95/1318 ~~\$5.95~~
 Now \$4.99 each

Christmas Tree Snowman and Ornaments
 Made of felt. Snowman, 15½"H; ornaments, 5"H.
 JM-95/1266 Snowman ~~\$14.95~~ Now \$9.99 each
 JM-95/1269 Ornaments ~~\$7.95~~ Now \$5.99 set of three



Candy Checkered Snowman
 Detailed with a checked cap and scarf. Made of felt with plush accents. For decorative use only. 17"H x 11½"W x 3½"D.
 JM-95/1718 ~~\$14.95~~ Now \$6.99 each

Terry's Village

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SALE**Themes**

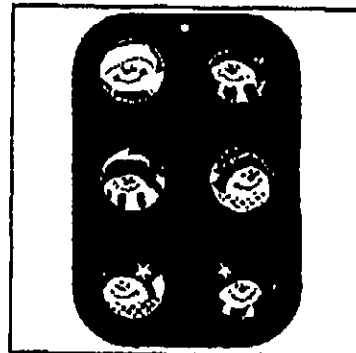
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Valentine's & St. Pat's
Easter
Halloween
Thanksgiving
Christmas
Special Occasions



Item Number: IN-95/1547

PAINTED SNOWMAN MUFFIN TIN

Add a homey touch to your kitchen's decor with our hand-painted muffin tin. Featuring a half dozen happy faces, it's sure to give your spirits a lift. For decorative use only. 10 1/2"L x 7"W.

\$5.99

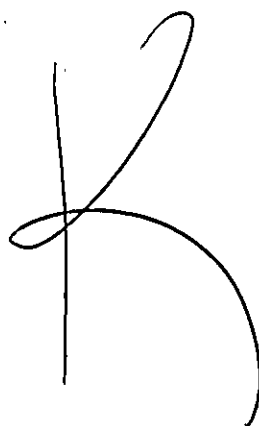
Piece

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J

A handwritten mark or signature, possibly a stylized letter 'K' or a cursive 'R', centered on the page. It consists of a vertical line with a loop on the right side and a horizontal stroke crossing it.